

November 13, 2023

The Honorable LaShann DeArcy Hall
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Tagliabue v. NCM Bluegrass and Anyar Gulyamov*, 23-CV-1991

Dear Judge Hall:

This firm represents the Defendants in the above-entitled action. Following the pre-motion conference before Your Honor on November 8, 2023, we submit this joint letter with an update regarding Defendants' anticipated motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(2) for lack of subject matter and personal jurisdiction.

At the conference, Plaintiff's counsel produced a document purporting to be a Charge of Discrimination filed with the EEOC containing reference to national origin discrimination/retaliation, which was not mentioned in the charge received by Defendants from the New York State Division of Human Rights. Unfortunately, this document failed to resolve certain discrepancies identified by Defendants, which implicate this Court's jurisdiction in this case.

Counsel for the parties met and conferred but were unable to resolve the discrepancies. Therefore, Defendants intend to move to dismiss the Complaint.

Wherefore, Defendants respectfully request that the Court set a briefing schedule for the motion. Plaintiff objects to this request, because Plaintiff believes "this is a non-issue."

We thank the Court for its consideration.

Respectfully submitted,



Valerie K. Ferrier